



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

OFFICE OF THE ASSISTANT SECRETARY

MEMORANDUM FOR ALMAJCOM/FOA/DRU (CONTRACTING)

FROM: SAF/AQCP

1060 Air Force Pentagon

Washington DC 20330-1060

26 March 1999

SUBJECT: Commerce Business Daily (CBD) Notice Requirements

Technology and "paper-free" continue to make advances on many of the traditional paper based contracting processes. Several recent developments necessitate this brief reminder about the continued importance of the print version of the CBD notices required by FAR Part 5.

The disclaimer on the CBD's Homepage (<http://cbdnet.access.gpo.gov>) reminds readers that the "Notices appearing in CBDNet do not satisfy the requirements of FAR Part 5 until they appear in the printed CBD. See Question 1 under "Frequently Asked Questions" and FAR Part 5." Question 1 asks: "Is there a difference between CBDNet and the printed version of the CBD?" And answers: "Yes, there is a difference. The printed CBD is the 'public notification media by which U.S. Government agencies identify proposed contract actions and contract awards.' (See FAR §5.101). When a notice appears in the printed CBD, the clock begins for meeting the requirements of FAR §5.203. CBDNet is the Government's electronic version of the CBD. CBDNet notices are viewable immediately after acceptance, but do not meet the requirements of the FAR Part 5 until they appear in the printed CBD. Notices should appear in the printed CBD approximately 2 days AFTER appearing in CBDNet; but one can presume that the notice has been published 6 days after electronic transmission of a synopsis, unless there exists evidence to the contrary. (See FAR §5.203(g))."

In June, a United States Court of Federal Claims (Case No. 98-447 C) concluded that an agency's actions taken 47 days after the electronic publication (on the CBDNet) of a required notice but only 43 days after publication of the printed copy had not properly waited the 45 days required for the printed version of the CBD. See <http://www.ogc.doc.gov/fedcl/opinions/98-447C.html>.

On a related note, there is much activity in this area as it relates to the General Services Administration's Electronic Posting System (EPS). (See SAF/AQC memo 12 Jan 99 Subject: Implementation and Use of Electronic Posting System.) Tests are being conducted to determine the viability of using EPS as the Government's single point of entry and replacing paper CBD requirements. OFPP and the Department of Commerce (DOC) are actively engaged. Legislative changes will be required if EPS will eventually replace the current CBD posting requirements. To preclude any confusion, whether using CBDNet or EPS to provide the CBD notice to DOC, the clock does not start until DOC prints the CBD notice. We will notify you when, and if, this changes. POCs for this memo are Lt Col Greg Waeber (SAF/AQCP) at waeber@af.pentagon.mil or DSN 425-7058; and for EPS, Capt Lee Kair (SAF/AQCI) at lee.kair@pentagon.af.mil or DSN 425-7048.

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Posted

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